

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS ESTRADA and ELIZABETH CANTEROS,
a/k/a Elizabeth Estrada a/k/a Elizabeth Montepique,

Plaintiffs,

ORDER

-against-

18 Civ. 11915 (JCM)

MB FOOD PROCESSING, INC. a/k/a MURRAY'S
CHICKEN,

Defendant.

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On December 15, 2020, the parties reached a settlement in the above-captioned matter following a conference before the undersigned. Thereafter, the parties submitted a settlement agreement with respect to Plaintiffs' Fair Labor Standards Act and New York Labor Law claims ("Wage and Hour Claims"), (Docket No. 47), a joint letter requesting its approval, (Docket No. 46), and a proposed stipulation and order of dismissal as to Plaintiffs' Wage and Hour Claims ("the Stipulation"), (Docket No. 47). The parties also indicated that the non-wage claims had been settled "by private agreement." (Docket No. 46 at n.1). On March 1, 2021, the Court signed the Stipulation dismissing Plaintiffs' Wage and Hour Claims.¹ (Docket No. 49). Therefore, it is hereby

ORDERED, that the remaining claims in this action be and hereby are discontinued with prejudice but without costs to any party; provided, however, that if settlement is not consummated within thirty (30) days of the date of this order, Plaintiffs may apply by letter within the thirty-day period for restoration of the action to the calendar of the undersigned, in which event the action will be restored.

¹ This action is before the Court for all purposes on the consent of the parties, pursuant to 28 U.S.C. § 636(c). (Docket No. 48).

To be clear, any application to reopen must be filed within thirty (30) days of this Order; any application to reopen filed thereafter may be denied solely on that basis.

The parties are advised that if they wish the Court to retain jurisdiction in this matter for purposes of enforcing any settlement agreement regarding the non-wage claims, they must submit the settlement agreement to the Court within thirty (30) days with a request that the agreement be “So Ordered” by the Court.

Dated: March 2, 2021
White Plains, New York

SO ORDERED:

Judith C. McCarthy
JUDITH C. McCARTHY
United States Magistrate Judge